

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1536

5 By: Representative Vaught
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING MURDER IN THE
9 SECOND DEGREE; TO PERMIT AN INTOXICATED DRIVER OR
10 OPERATOR OF AN AIRCRAFT WHO CAUSES THE DEATH OF A
11 PERSON UNDER CIRCUMSTANCES MANIFESTING EXTREME
12 INDIFFERENCE TO HUMAN LIFE TO BE CHARGED WITH MURDER
13 IN THE SECOND DEGREE; TO CREATE VON'S LAW; AND FOR
14 OTHER PURPOSES.

Subtitle

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18 TO AMEND THE LAW CONCERNING MURDER IN THE
19 SECOND DEGREE; TO PERMIT AN INTOXICATED
20 DRIVER OR OPERATOR OF AN AIRCRAFT WHO
21 CAUSES THE DEATH OF A PERSON TO BE
22 CHARGED WITH MURDER IN THE SECOND DEGREE;
23 AND TO CREATE VON'S LAW.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. DO NOT CODIFY. This act shall be known and may be
29 cited as "Von's Law".
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31 SECTION 2. Arkansas Code § 5-10-103 is amended to read as follows:
32 5-10-103. Murder in the second degree.

33 (a) A person commits murder in the second degree if:

34 (1) The person knowingly causes the death of another person
35 under circumstances manifesting extreme indifference to the value of human
36 life; ~~or~~



1 (2) With the purpose of causing serious physical injury to
 2 another person, the person causes the death of any person; or

3 (3) Under circumstances manifesting extreme indifference to the
 4 value of human life, he or she recklessly causes the death of another person
 5 as a result of operating a motor vehicle, an aircraft, or a motorboat:

6 (A) While intoxicated; or

7 (B)(i) If at that time, there is an alcohol concentration
 8 of eight hundredths (0.08) or more in the person's breath or blood, based
 9 upon the definition of alcohol concentration in § 5-65-204, as determined by
 10 a chemical test of the person's blood, urine, breath, saliva, or other bodily
 11 substance.

12 (ii) The method of the chemical test of the person's
 13 blood, urine, saliva, breath, or other bodily substance shall be made in
 14 accordance with §§ 5-65-204 and 5-65-206.

15 (b) As used in this section:

16 (1) "Aircraft" means the same as defined in § 5-75-101;

17 (2) "Intoxicated" means the same as defined in § 5-65-102;

18 (3) "Motorboat" means the same as defined in § 5-65-102; and

19 (4) "Motor vehicle" means the same as defined in § 5-65-102.

20 (c) Murder in the second degree is a Class A felony.

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